

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

United States of America, et al.,
Plaintiff,
v.
Google LLC,
Defendant

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Case No. 1:23-cv-00108 LMB-JFA

**DECLARATION OF JAMES A. DAIRE IN SUPPORT OF NON-PARTY
YELP INC.'S MOTION TO DISQUALIFY**

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge. Where appropriate, I have relied on records Yelp prepares and maintains in the normal course of its business.

2. I am an Associate Director of Legal at Yelp Inc. (“Yelp”). As part of my job responsibilities, I oversee all litigation matters involving Yelp, and I submit this Declaration in support of Yelp’s Motion to Disqualify Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul Weiss”).

3. Yelp retained Paul Weiss in 2016 when Jonathan Kanter joined the firm as a partner.

4. During his time at Paul Weiss, Jonathan Kanter and other attorneys at Paul Weiss represented Yelp in connection with several United States Department of Justice (“DOJ”) investigations into alleged anticompetitive conduct of Google LLC (“Google”).

5. Paul Weiss collected documents and information from Yelp, including Yelp’s highly sensitive confidential information, such as Yelp’s internal communications, strategy documents,

and relevant data, in order to provide Yelp with legal counsel and advice related to DOJ's investigations.

6. Attorneys at Paul Weiss communicated with DOJ and other antitrust enforcers on Yelp's behalf.

7. Paul Weiss routinely issued invoices for the work its attorneys performed, and Yelp paid Paul Weiss for the work that its attorneys provided. The invoices included narratives describing the work Paul Weiss attorneys conducted for Yelp.

8. Jonathan Kanter and Brandon Kressin left Paul Weiss in September 2020.

9. Paul Weiss never informed Yelp that Paul Weiss no longer considered Yelp a client, nor did Yelp inform Paul Weiss that it believed that Yelp was no longer represented by Paul Weiss.

10. Paul Weiss never informed Yelp that Paul Weiss would return or destroy any of Yelp's confidential information that Paul Weiss collected in connection with DOJ's investigations into Google or any other matters.

11. Yelp received its first subpoena in this matter from Defendant Google on May 31, 2023.

12. Yelp received a second subpoena in this matter from Defendant on August 1, 2023.

13. The August 1 subpoena requests documents that Yelp believes are privileged and confidential, including communications with Yelp's former counsel, Jonathan Kanter, and its current counsel, Brandon Kressin, while they were employed by Paul Weiss.

14. Yelp believes that Paul Weiss is in possession of documents that would be responsive to Google's August 1, 2023 subpoena, including documents that Paul Weiss provided to Yelp, such as invoices and documents that Yelp sent to Paul Weiss, including internal

communications regarding Yelp's relationship with Google and strategy documents reflecting planned legal advocacy concerning Google.

15. Yelp believes that Paul Weiss is in possession of documents that Yelp provided to Paul Weiss in connection with DOJ investigations concerning Google but which were withheld from production to DOJ by Paul Weiss due to assertions of the attorney client privilege, work product privilege, or other applicable privileges.

16. Yelp believes that Paul Weiss is in possession of Yelp's confidential internal communications Google has sought to compel Yelp to produce in other litigation, including *U.S. v. Google*, Case No. 1:20-cv-03010-APM (D.D.C.).

17. At no point has Paul Weiss sought a waiver from Yelp with regards to Paul Weiss's representation of Google, nor has Yelp granted any such waiver.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 2023.

A handwritten signature in cursive script that reads "James Daire". The signature is written in black ink and is positioned above a horizontal line.

James Daire